

50. And then, finally, there is the property of Mr. Purden?—Yes.

51. Every one of these landowners on that side either joined in as plaintiffs or witnesses for the case on the side of the plaintiff?—All but Morcamb. He has taken possession since.

52. Now, it is suggested, Mr. Pearce, that you were vexatious in the matter. Whom did you instruct to bring these actions?—Mr. Green gave the instructions.

53. Who were the solicitors?—Bell, Gully, and Cooper.

54. A branch of the firm of Bell, Gully, and Myers?—Yes.

55. One of the recognized chief firms of solicitors in New Zealand?—Yes.

56. Do you remember the month in which the people signed the agreement to take these proceedings?—It was a good while before midsummer.

57. Was it in October, 1911?—Yes, I think so. I would not like to say definitely. Mr. Cooper also acted, I think, as solicitor for some of the flax-millers.

58. Do you know which of them?—I know he acts for Tennant and Levien. I have seen Jarvis in his office.

59. You went to the solicitor who is also the solicitor for two of the flax-millers?—I suppose that is so. He was instructed by Mr. Green.

60. Were the proceedings commenced in June, 1912?—Yes.

61. Have you taken any steps to interfere with the mills under the injunction?—No.

*Mr. Bollard:* I must take exception to this evidence. What we want to know is, is this water polluted, and if so to what extent. The Oroua River is not the only place there are flax-mills in New Zealand, and this is a general question. I would like to hear some evidence as to the pollution of the water. It is not a question of the number of cows. Are they affected by drinking this water, and are the people affected by drinking the water and using it for domestic purposes?

*Mr. Baldwin:* I am endeavouring to prove that it was not a vexatious action. It was a very serious matter, and the action was not viciously commenced.

62. *Mr. Baldwin.*] Taking all this large area of country, what is the only available source of running water?—The two rivers. As far as my property, almost all the other parties have only the one river, the Oroua. There are only three of us who can get to the Manawatu.

63. The rest are confined to the Oroua River?—Yes.

64. How long have the four mills been operating on the Oroua River, roughly?—Three of them have been going at times, not continuously. They have changed hands, and have stopped at times and then gone on again. There are now five in all. Sometimes they run out of flax, and sometimes the management runs out of money. They have never been going like they are going at the present time.

65. *The Chairman.*] How many years have you been there?—I have been there twelve years, and I believe they were milling there twelve years before that. I know they have been almost continuously going ever since.

66. For about twenty years?—Yes, probably.

67. *Mr. Baldwin.*] How many mills were working intermittently?—Not more than three. There are now five.

68. When you brought this action how many were working constantly?—Three of them were working constantly.

69. You brought the action against four mills?—Yes, there were four mills working.

70. Had the pollution greatly increased that year?—Yes.

71. Had the pollution become very serious indeed by that time?—There is no doubt about that.

72. Now I will ask you, generally, what was the effect of the polluted water on your stock. Since the four mills have been working, what was the effect of the polluted water on your stock, roughly?—Stock that were continuously on the river would not look at it. As to any strange stock brought on to the place, it was very injurious—of course, sometimes more so than at others.

73. Did it affect more particularly any particular section of the stock, the young stock, or the weaker stock?—It was deadly on any young stock, weaners of any kind, sheep or cattle.

74. Have you lost any stock to which you can put the deaths down to this polluted water?—Yes, both directly and indirectly.

75. Do you know other persons who have lost stock in the immediate vicinity from the drinking of this water?—Yes, Mr. Morcamb.

76. That is Mr. Morcamb of Morcamb and Purden?—Yes, they have about 200 acres.

77. Have you noticed any difference when you shifted stock? They have been dying, and you have then shifted them to other water. Have you noticed any difference?—Oh, yes.

78. What is the difference?—When not gone too far they recover immediately.

79. You have a piece of property which is about all flax?—Yes, on the Manawatu.

80. Is it possible to establish a dairy factory at Oroua Bridge?—You mean on the river? The river was formerly nothing like the state it was in last summer. You could not then manipulate milk within 10 or 20 chains of the river for the smell from it.

81. You anticipate it will be serious this year, because there are more mills?—Yes.

82. Now, with regard to the use of the water for butchering, do you know whether the butcher uses the water?—He may, but he would not get any one to buy the beef.

83. He does not use the water?—No.

84. *Hon. Mr. Buddo.*] I just want to put a few leading questions. Do you carry your young stock on this land?—No; I tried to rear some stud Shorthorn cattle, but it was a complete failure.

85. A portion of your stock would be raised on the farm?—No.

86. They are all purchased cattle?—This season, thinking the mills would be stopped, I purchased six hundred or seven hundred yearlings of a good class, principally store cattle.